APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,906	01/05/1998	THEODORE D. WUGOFSKI	450.196US1	8339

32719   7590   09/04/2002

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EXAMINER
TRAN, HAI V

ART UNIT	PAPER NUMBER
2611	14

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12 and 19-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12 and 19-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: ___ .

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 06/11/02 have been fully considered but they are not persuasive.

Regarding to claim 6, Applicant requests that the Examiner provides a reference that describes, "the updating a relational database such as adding or removing a specific record within a database is well known in the art."

In response, in Schein (US 6002394), the Examiner cites "For example, the user may input into the system that he/she would like to add Jerry Springfield to the "favorites" list" (Col. 16, lines 48-50). And beside, Schein (US 6133909) cites "Furthermore, the user has the ability **to continually modify** their selection criteria. For instance, the above example, User 2 may **delete** Anthony Hopkins as a FAVORITE PERFORMER 2 weeks after making this addition, and the 3 weeks later **add** Ed Wood as a FAVORITE DIRECTOR" (Col. 12, lines 35-52), by doing this, it is clearly Schein (US 6133909) discloses the users able to configure its favorite programs list (database) by adding or removing programs (records) from favorite programs list based on the actors' name (event). Thus, both Schein (US 6002394 and US 6133909) clearly meets and encompass the claimed limitation of "removing favorite event from one of the favorite channel list" and clearly support the Examiner's assertion that the updating a relational database such as adding or removing a specific record within a database is well known in the art.

- Claims 1-7 and 8-12, Applicant argues Schein does not teach or suggest, "favorite channel lists comprising one or more logical channels relating to a user specified theme, wherein the computerized system identifies the logical channels showing an event of the user specified theme and includes each of the logical channels in the favorite channel list."

  In response, the Examiner respectably disagrees with Applicant because; Schein discloses favorite channel lists based on user specified theme (Fig. 1, Col. 10, lines 40-Col. 11, lines 45) and agrees with applicant that Schein does not discloses one or more logical channels of the favorite channel list related to user specified theme. Kostreski (Fig. 5 and Col. 28, lines 40-Col. 30, lines 33) teaches the use of one or more logical channel wherein each logical channel "SEL" uniquely identifies a corresponding physical channel. Thus an ordinary skill in the art would use the above teaching of Kostreski to modify Schein so to present to user a list of programs (favorite program list) in organized manner according to Kostreski suggestion (Col. 3, lines 15-57).

- Claims 19-23, Applicant argues Schein does not teach "identifying one or more channels showing an event of a user specified theme, wherein the step of identifying is achieved by matching one or more event themes from an EPG content database to the user specified theme and including each one of the channels in the favorite channel list."

  In response, regarding "identifying one or more channels showing an event of a user specified theme, wherein the step of identifying is achieved by matching one

or more event themes from an EPG content database to the user specified theme,"
the Examiner cites (Col. 11, lines 14-46) and regarding "including each one of the
channels in the favorites list" the Examiner cites (Col. 10, lines 47-55).

- Claims 24-29, Applicant argues "neither Schein nor Kostreski teach or suggest the
plurality of computer instructions recited in claims 24-29."

In response, the Examiner cites Schein's software (Fig. 13, element 316)
clearly meets "the plurality of computer instructions recited in claims 24-29". The
Examiner further cites (Col. 18, lines 10-19; lines 54-65+).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 and 19-29 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Schein (US 6002394) in view of Kostreski et al (US 5734589).

Regarding claim 1, Schein discloses a computer system for managing favorite
channels (Fig.1) based on a user specified theme (Col.10, lines 40-Col.11, lines 45), the
computerized system comprising:

One or more favorite channel lists (Col.10, lines 40-60 and Fig. 5);

Storing one or more favorite channel lists (Col.10, lines 55-60);

A favorites database for storing one or more favorite channel lists (Fig.5-9;

Col.10, lines 40-45, Col.16, lines 15-42 and Col.18, lines 52-61)

Schein does not clearly disclose one or more logical channels of the favorite

channel list related to user specified theme.

Kostreski shows one or more logical channel (Fig.5 and Col.28, lines 40-Col.29,

lines 34). The secondary program maps 520a and 520b both provide the same RF and

PID values for CBS, ABC, NBC and FOX; therefore, Kostreski discloses an

arrangement that enables VIPs to share sources within the reserved section 522

(Col.29, lines 14-29 and Col.29, lines 35-Col.30, lines33). Furthermore, Kostreski

teaches each logical channel "SEL." uniquely identifies a corresponding physical

channel "VIP StarSight "for popular network such as CBS, ABC, NBC and FOX

regardless the user select "VIP StarSight" or "VIP BVS"

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Schein by mapping favorite channel listed to

corresponding logical (virtual) channels, as taught by Kostreski, in order to present to

user an list of programs (EPG) in an organized, structured format adapted for ease of

use by the user as suggested by Kostreski (Col.3, lines 15-57).

Regarding claim 2, Schein further discloses an EPG (Fig.16A) content database

storing a plurality of events available on one or more channels for a period of time

(Col.21, lines 33-52).

Regarding claim 3, Schein further discloses wherein the user specified theme corresponds to a theme field of events in an EPG content database (Col.14, lines 60-65+ and Col.11, lines 13-45).

Regarding claim 4, Schein further discloses an EPG data services for managing the EPG content Database, the EPG data services providing functions for loading EPG –type (category) data from one or more data services (different program sources) (Col.6, lines 13-Col.7, lines 43)

Regarding claim 5, Scheinr further discloses a favorites service providing one or more user interfaces and a plurality of management functions for each one of the favorite channel list (Fig., 5 and Col.10-60).

Regarding claim 6, Schein further discloses wherein the management functions include at least one function selected from the group of functions consisting of: adding a favorite event to one of the favorite channel lists (Fig.21B), and selecting a favorite event from one of the favorite channel lists (Col.14, lines 53-Col.15, lines 5).

Schein does not clearly disclose removing a favorite event from one of the favorite channel lists.

Official Notice is taken, the updating a relational database such as adding or removing a specific record within a database is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schein by having a function of removing a favorite event from one of the favorite channel lists so that the user could update the favorite according to their choice.

Regarding claim 7, Kostreski further discloses a channel map service for determining a physical channel number and a corresponding physical device for each one of the logical channels (Fig.5)

Regarding claim 8, see analysis of claim 1, in combination with claims 5-7.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, see analysis of claim 2.

Regarding claim 19, in combination with claims 1 and 3, regarding "identifying one or more channels showing an event of a user specified theme, wherein the step of identifying is achieved by matching one or more event themes from an EPG content database to the user specified theme," the Examiner cites (Col. 11, lines 14-46) and regarding "including each one of the channels in the favorites list" the Examiner cites (Col. 10, lines 47-55).

Regarding claims 20 and 21, see analysis of claim 3.

Regarding claim 22 and 28, see analysis of claim 2.

Regarding claims 23 and 29, Schein further discloses the step of identifying is achieved by matching one or more words in an event description from the EPG content Database to the user specific theme (Col.14, lines 53-40, Col.16, lines 15-36).

Regarding claim 24, Schein further discloses a computer (motherboard, processor, RAM, etc...Fig.1, 2, 3) comprising:

A processor (Col.4, lines 55-65);

A computer readable medium (Fig.1, Col.4, lines 57-60);

A plurality of computer instructions (Col.5, lines 1-15) executed from the

computer readable medium by the processor for performing the step of identifying one

or more channels showing an event of a user specified theme and including each one of

the channels in the favorite channel list (Col.4, lines 53-Col.6, lines 10). Schein's

software (Fig. 13, element 316) clearly meets "the plurality of computer instructions"

because "software" comprises a plurality of computer instructions.

Regarding claim 25, see analysis of claim 1-6, 24 and Col. 18, lines 10-19; lines

54-65+).

Regarding claims 26 and 27, see analysis of claim 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schein et al. (US 6133909) shows method and apparatus for searching a guide using program characteristics.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9314

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.
     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

     Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

HT:ht
August 25, 2002